

1 RENE L. VALLADARES  
Federal Public Defender  
2 Nevada State Bar No. 11479  
CHRISTOPHER P. FREY  
3 Assistant Federal Public Defender  
Nevada State Bar No. 10589  
4 201 W. Liberty Street, Ste. 102  
Reno, Nevada 89501  
5 (775) 321-8451/Phone  
Chris\_Frey@fd.org

6 Attorneys for Myron Motley  
7

8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,  
11  
12 Plaintiff,  
13 v.  
14 ROBERT BARKMAN,  
15 Defendant.

Case No. 3:19-CR-00052-RCJ-WGC

**MOTION TO WAIVE  
PRESENTENCE INVESTIGATION  
REPORT AND FOR IMMEDIATE  
SENTENCING**

16  
17 Comes now the Defendant, ROBERT BARKMAN, by and through his counsel of  
18 record, Christopher Frey, Assistant Federal Public Defender, and hereby moves to waive a  
19 presentence investigation and report under Federal Rule of Criminal Procedure 32(c)(1)(A)(ii)  
20 and for immediate sentencing at the upcoming hearing for Waiver of Indictment, Initial  
21 Appearance and Arraignment and Plea scheduled for Tuesday, January 21, 2020, at 10:15 a.m.<sup>1</sup>

22 Under Rule 32(c)(1)(A)(ii), United States Probation need not conduct a presentence  
23 investigation and submit a report if “the court finds that the information in the record enables  
24 it to meaningfully exercise its sentencing authority under 18 U.S.C. § 3553, and the court  
25 explains its finding on the record.” Mr. Barkman reported to Pretrial Services on Wednesday,  
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<sup>1</sup> ECF No. 5. This motion is timely filed.

1 January 15, 2020, and was interviewed by Pretrial Services Officer Jennifer Simone. That  
2 report should be available to the Court shortly and is expected to contain sufficient information  
3 to enable the Court to meaningfully exercise its sentencing authority under 18 U.S.C. § 3553.

4 Mr. Barkman has no criminal history of note. Accordingly, Mr. Barkman is expected  
5 to be in Criminal History Category I. Moreover, the parties jointly agree that Mr. Barkman's  
6 total adjusted offense level after acceptance of responsibility is 8, resulting in the lowest  
7 possible guideline range of 0-6 months.<sup>2</sup> The plea agreement accurately sets forth offense  
8 conduct, and it is anticipated that the case agent from the investigating agency will be present  
9 at sentencing should the Court require any information beyond the plea agreement or have any  
10 inquiries about relevant conduct to aid it in its sentencing determination.

11 For the foregoing reasons, Mr. Barkman respectfully seeks to waive a presentence  
12 investigation and report under Federal Rule of Criminal Procedure 32(c)(1)(A)(ii) and requests  
13 to proceed to immediate sentencing at the upcoming hearing for Waiver of Indictment, Initial  
14 Appearance and Arraignment and Plea scheduled for Tuesday, January 21, 2020, at 10:15 a.m.  
15 The government is familiar with Mr. Barkman's request and has no objection to waiving a  
16 presentence investigation and report under Federal Rule of Criminal Procedure 32(c)(1)(A)(ii)  
17 and proceeding to immediate sentencing at next Tuesday's hearing.

18 DATED this 16th day of January, 2020.

19 RENE L. VALLADARES  
20 Federal Public Defender

21 By: /s/ Christopher P. Frey

22 CHRISTOPHER P. FREY  
23 Assistant Federal Public Defender  
24 Attorney for Robert Barkman

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26 <sup>2</sup> The plea agreement setting forth the parties guideline calculations was sent to  
chambers by email on December 3, 2020.

**CERTIFICATE OF ELECTRONIC SERVICE**

The undersigned hereby certifies that she is an employee of the Federal Public Defender for the District of Nevada and is a person of such age and discretion as to be competent to serve papers.

That on January 16, 2020, she served an electronic copy of the above and foregoing **MOTION TO WAIVE PRESENTENCE INVESTIGATION REPORT AND FOR IMMEDIATE SENTENCING** by electronic service (ECF) to the person named below:

NICOLAS TRUTANICH  
United States Attorney  
PETER WALKINGSHAW  
Assistant United States Attorney  
400 South Virginia Street, Ste 900  
Reno, Nevada 89501

Gary N Donner  
U.S. Department of Justice  
601 D. Street, N.W.  
Rm. 2144  
Washington, DC 20004

/s/ Katrina Burden  
Employee of the Federal Public Defender